

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Keith R. Murphy
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**NOTICE TO DEFENDANTS ESTABLISHING DEADLINE
TO FILE REQUESTS TO DEPOSE BERNARD L. MADOFF**

PLEASE TAKE NOTICE, that a conference was held before the Honorable Stuart M. Bernstein, United States Bankruptcy Court, on July 20, 2016 (“Conference”) in connection with two requests by counsel for multiple defendants who are seeking permission to depose Bernard L. Madoff (“Madoff”) (see Dkt. Nos. 13603, 13604, 13605 and 13617);

PLEASE TAKE FURTHER NOTICE, that based on the possibility that other defendants in the “good faith” cases (*i.e.*, those adversary proceedings seeking the avoidance and recovery of two-year transfers and subsequent transfers in which the Trustee has not alleged any knowledge and/or lack of good faith of the defendant(s)) may seek to depose Madoff, the Court determined that a consolidated and uniform procedure to seek permission to depose Madoff is warranted in order to prevent duplication, and to foster coordination and efficiency in the event that a deposition of Madoff is approved by the Court;

PLEASE TAKE FURTHER NOTICE, that the Court has established the following procedure that must be followed to timely seek permission to depose Madoff in the “good faith” cases. No motions seeking permission to depose Madoff are required. Instead, defendants shall file a *Notice of Request to Depose Bernard L. Madoff*, which must contain the following information:

- (i) the names of the defendants and the adversary proceeding number(s) in which the deposition is sought;
- (ii) the specific areas of inquiry for the deposition; and
- (iii) the relevance of the specific areas of inquiry to the respective adversary proceeding(s).

PLEASE TAKE FURTHER NOTICE that the Court has established the following deadlines regarding the procedure:

July 22, 2016 — Deadline for the Trustee to file and serve this *Notice To Defendants Establishing Deadline to File Requests to Depose Bernard L. Madoff*.

August 5, 2016 — Deadline for “good faith” defendants to file and serve on counsel for the Trustee a *Notice of Request to Depose Bernard L. Madoff*.

August 19, 2016 — Deadline to file and serve any opposition to timely filed *Notices of Request to Depose Bernard L. Madoff*, and the Motion for an Order Authorizing the Deposition of Bernard L. Madoff, filed on July 7, 2016 by Chaitman LLP.

August 24, 2016, at 10:00 a.m. — Date of hearing before the Court to determine whether a deposition should be authorized and any parameters thereof.

PLEASE TAKE FURTHER NOTICE, that this *Notice To Defendants Establishing Deadline to File Requests to Depose Bernard L. Madoff* shall be filed only in the main adversary proceeding, No. 08-01789 (SMB), and served upon “good faith” defendants, and that no further notice is necessary or required;

PLEASE TAKE FURTHER NOTICE, that defendants in non -“good faith” cases where the Trustee has alleged knowledge and/or a lack of good faith of the defendant(s) shall not be subject to these procedures.

Date: July 22, 2016
New York, New York

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By: /s/ Keith R. Murphy
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

Attorneys for Irving H. Picard, Trustee for the substantively consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff